



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,124	07/11/2003	Daniel Roy Stewart		4092

7590 11/16/2006

Daniel Roy Stewart
817 Simond: Avenue
Salt Lake City, UT 84116

EXAMINER

ELKINS, GARY E

ART UNIT	PAPER NUMBER
----------	--------------

3782

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

88

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/618,124

Examiner

Gary E. Elkins

Applicant(s)

STEWART, DANIEL ROY

Art Unit

3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 28 August 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☒ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☒ B. Other See the attached sheet.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

~~Legal Instruments Examiner (LIE), if applicable~~

~~Telephone No.~~

Gary E. Elkins
Examiner
Art 3782

Explanatory Attachment to Notice of Non-Compliant Amendment

Effective 30 July 2003, amendments filed under 37 CFR 1.121 must be filed using the following rules:

(A) When there is an amendment to the abstract, if the changes are minor in nature, submit a replacement abstract with markings to show all changes relative to the immediately prior version. If the abstract is being substantially rewritten, submit a new abstract in clean text (no markings) accompanied by an instruction to cancel the previous abstract. Any new or replacement abstract must be submitted on a separate sheet (37 CFR 1.72).

The amendment to the abstract filed 28 August 2006 is non-compliant insofar as both an abstract with markings and an abstract without markings are included in the amendment. For submission of an amendment to an abstract, either one or the other must be submitted (but not both) to be in compliance with 37 CFR 1.121 as indicated above. It is noted that the submission of a substitute specification with a marked-up copy does not include the abstract submitted under 37 CFR 1.121 after the rule changes of 30 July 2003.